

0812.35

PENALTIES FOR WORK REQUIREMENT NONCOMPLIANCE

REV: ~~09/2005~~ 09/2006

812.35 PENALTIES FOR WORK REQUIREMENT NONCOMPLIANCE REV:
~~09/2005~~ 09/2006

FIRST ~~EIGHTEENSIX~~ SIX (~~186~~) MONTHS OF NONCOMPLIANCE

The amount of cash assistance to which an otherwise eligible recipient family is entitled shall be reduced by the portion of the family's benefit attributable to any parent who, without good cause, has failed to enter into an individual employment plan or has failed to comply with his or her individual employment plan, as required under Sections 0812.05.05 and 0812.05.10 or Section 0812.05.25; provided that the reduction shall be applied during the first ~~eighteensix~~ six (~~186~~) months, whether or not consecutive, of such failure or non-compliance by the parent.

For a family size of two (2), the benefit reduction due to noncompliance with the employment plan shall be computed utilizing a family size of three (3), in which the parent's portion equals one hundred five dollars (\$105).

When a second parent enters or returns to the household, an employment plan shall be developed within thirty (30) days of the change in household composition. Failure of the second parent to comply with the development of the employment plan at this time will close the cash assistance benefits, due to inability to determine household eligibility.

IN EXCESS OF ~~EIGHTEENSIX~~ SIX (~~186~~) MONTHS OF NONCOMPLIANCE

The Department shall terminate cash assistance to a family if any parent in the family has failed, without good cause, to enter into an individual employment plan, or to comply with his or her individual employment plan and has been penalized for ~~eighteensix~~ six (~~186~~) months, whether or not consecutive.

The penalty becomes effective on the next payroll date after the adverse action period. The participant is notified of the penalty by an INRHODES-generated notice.

When a parent who has been sanctioned for ~~eighteensix~~ six (~~186~~) months moves from one household to another, a sanction is imposed on the new household.

No hearing is held when a decision has already been rendered by a Hearing Officer that the recipient has, without good cause, refused to participate in an employment plan activity, to accept employment, or to otherwise fail to comply with her/his plan.

However, the participant may contest the amount of the payment as it has been adversely affected by the refusal to participate, in which case the sanction period begins the next effective date if an adverse decision is rendered.

When an individual is penalized and subsequently becomes exempt from participation in her/his employment plan component activity, the documented exemption will result in the benefits being restored to the full amount beginning with the initial payment made on the first of the month following the date the individual became exempt.

~~0812.35.10 ————— Procedures for Penalty in 2 Parent Families~~

~~REV:09/2005~~

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~~If, during any month, a parent required to comply with requirements of Section 0812.10.25 fails, without good cause to do so, the family shall be deemed for all purposes under this act to include only one parent. The parent included in the family shall be the parent which the department determines has accepted primary responsibility for child care. The parent included in the family, unless exempt, shall be required to comply with Sections 0812.10.05 and 0812.10.10 of this section and shall be subject to the penalties specified in Sections 0812.35, as applicable, if the parent fails to do so.~~

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~~When the first parent has been sanctioned for noncompliance with the two (2) parent family work requirements for a total of eighteen (18) months, the case is discontinued, unless the second parent in the family is employed for an average of thirty-five (35) hours per week during a month in accordance with Section 0816.55.05.~~

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0812.40

FAIR HEARING REQUESTS

REV:05/1997

If the family's benefit has been reduced in accordance with paragraph one of Section 0812.35 for less than ~~eighteen~~six (~~18~~6) months, whether or not consecutive, due to the parent's failure to enter into an individual employment plan or failure to comply with the terms of his or her individual employment plan, benefits shall be restored to the full amount beginning with the initial payment made on the first of the month following the month in which the parent (1) enters into an individual employment plan and demonstrates compliance with the terms thereof, or (2) demonstrates compliance with the terms of his or her existing individual employment plan, as such plan may be amended by agreement of the parent and the Department.

If the family's benefit has been terminated in accordance with paragraph three of 0812.35 due to the failure by one or more parents to enter into an individual employment plan or failure to comply with the terms of his or her individual employment plan, the family may re-apply for benefits and benefits shall be restored to the family in the full amount the family is otherwise entitled to under this chapter beginning on the first of the month following the month in which all parents in the family who are subject to the employment plan requirements (1) enter into an individual employment plan and demonstrate compliance with the terms thereof, or (2) demonstrate compliance with the terms of his or her existing individual employment plan, as such plan may be amended by agreement of the parent and the Department.